IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 212 OF 2007
IN
WRIT PETITION NO. 351 OF 2007

West Coast Papers Mills Ltd. ... Petitioner.

V/s.

West Coast Paper Mills
Employees' Union and another. ... Respondents.

C.U.Singh, senior counsel with Ankit Mehta i/b. Haresh Mehta & Co. for the petitioner.

Ms.Bina Dholkia for respondent No.1.

CORAM: V.C.DAGA, J.

DATED: 3rd May 2007.

P.C.:

. Heard learned counsel for the parties.

. Perused notice of motion with affidavit.

2. This notice of motion is taken out by the petitioner seeking modification of the order dated 13th March, 2007 passed by this Court.

3. Having heard rival parties, having considered the affidavit dated 7th April, 2007 duly sworn by D.G.Borkar, General Manager (Finance & Taxation) and the statements made therein, the order dated 13th March, 2007 stands modified to

the extent it directs deposit of entire back wages as ordered in the award and stands substituted with the direction to pay or deposit 50% back wages as ordered in the award on or before 30th May, 2007, subject to the security in the nature of bank guarantee of any nationalised bank for the balance amount, followed by an undertaking by the petitioner that at the time of final hearing and/or disposal of the writ petition, the petitioner shall pay interest on the balance 50% amount as may be ordered by the Court. The petitioner agrees to furnish bank guarantee on or before 30th May, 2007 and undertakes to keep the same alive so long as the petition is not disposed of on its own merits.

4. The bank guarantee to carry carry specific clause that in the event of non-renewal of the same by the petitioner, the bank shall remit the amount/proceeds of the bank guarantee to this Court, without there being any demand for invocation of the bank guarantee.

5. The order dated 13th March, 2007 stands modified to the extent and in terms of this order; with no orders as to costs.

(V.C.DAGA, J.)